

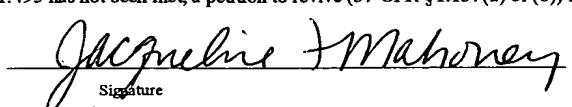
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. §371		Attorney Docket Number <div style="text-align: center;">59150-8031</div>
		U.S. Application No. (if known, see 37 CFR §1.5) <div style="text-align: center; font-size: 1.5em;"> 10/508810 Not yet Assigned </div>
International Application No. <div style="text-align: center;">PCT/JP02/02817</div>	International Filing Date <div style="text-align: center;">22 March 2002</div>	Priority Date Claimed <div style="text-align: center;">22 March 2002</div>
Title of Invention FUNCTIONAL PLANTS, PROMOTERS USED TO CREATE THE SAME AND THE USE THEREOF		
Applicant(s) for DO/EO/US <div style="text-align: center;">Hiroshi OTSUKI and Masahiro OHSHIMA</div>		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. §371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. §371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)).
10. ☒ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).

Items 11. to 15. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR §1.97 and §1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR §3.28 and §3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSTITUTE preliminary amendment.
15. ☐ A substitute specification.
16. ☒ A change of Power of Attorney and/or Address letter.
17. ☒ A Sequence Listing printout

U.S. Application No. (if known, see 37 CFR §1.101) Not yet Assigned 10/508810		International Application No. PCT/JP02/02817		Attorney's Docket No. 59150-8031	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR §1.492(a)(1)-(5): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,080.00 International preliminary examination fee (37 CFR §1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 International preliminary examination fee (37 CFR §1.482) not paid to USPTO but international search fee (37 CFR §1.445(a)(2)) paid to USPTO \$770.00 International preliminary examination fee paid to USPTO (37 CFR §1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 International preliminary examination fee paid to USPTO (37 CFR §1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS: PTO USE ONLY <div style="text-align: right;">\$ 920.00</div>	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claim priority date (37 CFR §1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	27 - 20 =	7	7 × \$ 18.00	\$ 126.00	
Independent Claims	6 - 3 =	3	3 × \$ 86.00	\$ 258.00	
Multiple Dependent Claim(s) (if applicable)			+ \$290.00	\$ 00.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 1304.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 50%.				\$ 00.00	
SUBTOTAL =				\$ 1304.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR §1.942(f)).				\$	
Fee for recording the enclosed assignment (37 CFR §1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR §3.28, §3.31). \$40.00 per property. +				\$ 40.00	
TOTAL FEES DUE =				\$ 1344.00	
Amount To Be				Refunded	\$
				Charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$1344.00 to cover the filing and recording fees is enclosed. b. <input type="checkbox"/> Please charge Deposit Account No. 50-2207 in the amount of \$*.00 to cover the above fees. This sheet is provided in triplicate. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2207 . NOTE: Where an appropriate time limit under 37 CFR §1.494 or §1.495 has not been met, a petition to revive (37 CFR §1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Customer No. 22918 Perkins Coie LLP P.O. Box 2168 Menlo Park, CA 94026			 Signature Jacqueline F. Mahoney Registration No. 48,390		

DOCKET NO. 59150-8031

Patent

IN THE UNITED STATES OF AMERICA AS AN ELECTED OFFICE
(EO/US)

IN RE APPLICATION OF: Hiroshi OTSUKI and Masahiro OHSHIMA

SERIAL NO.: Not yet Assigned

PCT FILING DATE: 22 March 2002

PRIORITY DATE: 22 March 2002

Title: FUNCTIONAL PLANTS, PROMOTERS USED TO CREATE THE SAME AND THE USE THEREOF

CERTIFICATE OF MAILING BY EXPRESS MAIL

Mail Stop PCT
Attn: DO/EO/US
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Express Mail Label No: EV 336 041 376 USDate of Deposit: September 22, 2004

I hereby certify that the attached filing: application transmittal under 35 USC § 371, an oath or declaration of the inventors under 35 U.S.C § 371, a copy of the English translation of the international application as filed, a sequence listing, matching declaration and diskette, an assignment with recordation form cover sheet, and a copy of the reply to written opinion with amended claims are being deposited with the United States Postal Service "Express Mail Post office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above, and is addressed to Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, Attn: DO/EO/US.

Respectfully submitted,

September 22, 2004
Date of Signature

Lynnea B. Anderson
Name: Lynnea B. Anderson

Correspondence Address:

Customer No. 22918
Phone: 650 838-4300

Express Mail Label No. EV 336 041 376 US

Attorney Docket No. 59150-8031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: OTSUKI AND OHSHIMA

APPLICATION NO.: NOT YET ASSIGNED

FILED: CONCURRENTLY HEREWITH

FOR: FUNCTIONAL PLANTS, PROMOTERS USED TO CREATE THE SAME
AND THE USE THEREOF

EXAMINER: NOT YET ASSIGNED

ART UNIT: NOT YET ASSIGNED

CONF. NO.: NOT YET ASSIGNED

Declaration Under 37 CFR §1.821

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Attn: DO/EO/US


Sir:

I, Jacqueline F. Mahoney, declare and affirm as follows:

1. I am an agent for the applicant.
2. The floppy disc which accompanies this Declaration contains the required sequence listing.
3. The sequence listing recorded on said disc matches the hard copy of the sequence listing accompanying this Declaration.
4. The present submission contains no new matter relative to the application as originally filed.

Respectfully submitted,
Perkins Coie LLP

Date: Sept. 22, 2004


Jacqueline F. Mahoney
Registration No. 48,390

Correspondence Address:
Customer No. 22918
Phone: 650 838-4410